

Exhibit 17

LEONA QI

C O N F I D E N T I A L

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Case No: 1:22cv6206

PIONEER BUSINESS SERVICES, LLC d/b/a

FOUR CORNERS AVIATION SERVICES,

Plaintiff,

v.

VISTAJET US, INC.,

Defendant.

Deposition of LEONA QI, 30(b)(6): VisaJets, Inc.
Volume 2, taken by AILSA
WILLIAMS, Certified Court Reporter, at the offices
of Stephenson Harwood, London, United Kingdom, on 7
December, 2022 at 9:47 a.m.

JOB NO. 219380

1 LEONA QI

2 Q Ray Dalio?

3 A Ray Dalio's family office, Sean
4 Taylor.

5 Q And that is referring to the
6 conversation you had yesterday?

7 A That conversation, and also there
8 was a phone call. He called me in July, asked for
9 a proposal, and he said "The brochure that I
10 received, the rates from FCA is much lower."

11 Q Well, that was true, the rates were
12 lower, weren't they?

13 MR. FRANCO: Objection.

14 A The rates FCA offered to them were
15 much lower than what we offered to them.

16 Q Okay. So other than the
17 representative from Mr. Dalio's family office and
18 the Middle Eastern customer, are there any other
19 customers who provided the information that is
20 alleged in paragraph 39 of the counterclaim?

21 A As of right now, I could not name
22 another one, but I need to revisit the documents
23 that was presented to me.

24 Q Did you see names of other customers
25 in the documents that were presented to you prior

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2 to your deposition?

3 A I don't recall right now.

4 Q I will tell you that I have not seen
5 produced to us documents that identify customers,
6 so if there are such documents they should be
7 produced to us.

8 A I have just told you two, so that is
9 plural, right?

10 Q I know that. I made my observation
11 to counsel. If there are additional customers
12 shown in documents, we need to see the documents
13 because they have not been produced.

14 Let me ask you now to turn down to
15 paragraph 42 and read that to yourself. Paragraph
16 42 states in the first sentence:

17 "In addition, FCA's brochure is likely
18 to cause consumer confusion by implying a
19 non-existent partnership between VistaJet and FCA,
20 and by creating the false impression that VistaJet
21 was either connected to or vouched for the quality
22 of the goods and services that FCA offered,
23 including locating charter alternatives and flight
24 administration and management services."

25 Do you have any evidence that consumers

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2 believed that VistaJet vouched for the quality of
3 the goods and services that FCA offered?

4 A Yes. Ray Dalio's family office as
5 well as -- because they did speak with -- we have
6 other clients with Bridgewater. They did speak,
7 they were very confused, asking us if this was the
8 same as VistaJet. "They are your super agent?"

9 Q This refers to the conversation
10 about which you testified yesterday?

11 A Correct.

12 Q Anything else, other than that
13 conversation, as evidence that there is confusion
14 that VistaJet vouched for the quality of goods and
15 services that FCA offered?

16 A Yes, because in the market brochure
17 they said has access -- we will manage everything
18 if we do not have, they will help you locate
19 charter alternatives. The brokers come in and
20 asked. They were all confused that VistaJet was
21 behind and guaranteed the service, VistaJet
22 authorized FCA as authorized agent on behalf of
23 VistaJet.

24 Q What brokers said they were confused
25 in that regard?

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2 A Air -- sorry, Air Service Partners,
3 Air Partners.

4 Q And was that confusion expressed in
5 any emails?

6 A I don't believe so. If not to
7 Brian -- I don't know if we produced it, but it
8 was to Brian Goldfedder and his team.

9 Q So you do not know if it was orally
10 or in writing?

11 A I don't know.

12 Q We have not seen any written emails
13 to that effect, so if they exist they must be
14 produced and I reserve the right to use them in a
15 resumed 30(b)(6) deposition.

16 A Sorry, just to address that, there
17 is another customer --

18 Q Who else?

19 A -- that was confused. That was
20 Coca-Cola, when they came in with a safety audit.
21 They were confused that we were part of -- they
22 were buying into part of VistaJet. They want to
23 do a safety audit.

24 Q This was in September or October
25 when they made that safety audit request that you

1 LEONA QI

2 talk about?

3 A September or October or maybe even
4 August. We did produce those emails, right?

5 Q Not about a safety audit?

6 A That was when they come in for a
7 safety audit.

8 Q There are no emails to that effect
9 produced in this case?

10 A Okay. I thought there was an email,
11 but anyway.

12 Q Not about a safety audit. There may
13 well be an email, but we have not seen it. Turn
14 to page 19 and read paragraph 86 to yourself.

15 Paragraph 86 states:

16 "FCA's knowing and deliberate conduct is
17 like to result in consumers purchasing its
18 services in the mistaken belief that they
19 originate with or are offered under the auspices
20 of VistaJet, which in turn diminishes VistaJet
21 reputation and goodwill in the relevant market."

22 Am I correct that VistaJet has not
23 allowed FCA to use any VistaJet hours since
24 July 18, 2022?

25 A Correct.

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2 Q What products since July 18, 22 is
3 FCA able to sell because of the confusion
4 described in paragraph 86?

5 A Could you repeat that question.

6 (Question read back.)

7 A There is a couple of things. Before
8 that damage was already done, our client were
9 confused, including Ray Dalio's office. They
10 think that they purchased a product, the service
11 is suspended, they could not use that service, and
12 another thing is that after July 18, FCA now, they
13 are still a broker. They continue to try to
14 charter flights with the On Demand desk. Now, how
15 they sell that to whoever they are selling it to,
16 I do not know.

17 Q Are you aware as to whether FCA has
18 done anything to suggest that it has any
19 connection with or is selling VistaJet hours since
20 July 18, 2022?

21 A They didn't stop the brochure. They
22 didn't call all the people that they have
23 disseminated the brochure to and said that this
24 was suspended now.

25 Q After July 18, 2022, what services

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2 counsel to prepare for the deposition?

3 A This very specific agreement, no.

4 Q Do you know if anyone at VistaJet
5 worked with -- withdraw that.

6 I want you to turn first to the first
7 recital clause that says "whereas licensor", which
8 is VistaJet International Limited, "is the
9 exclusive copyright owner of photographs taken on
10 or around 7 May 2020 and for March 2021 by
11 Abstract Aerial Art Limited and Simone
12 Migliaccio."

13 A Simone.

14 Q Simone, rather. Can you tell me
15 what Abstract Aerial Art Limited is?

16 A I don't know. That must be his
17 company, but Simone is a photographer that has
18 been photographing for VistaJet for multiple
19 years, including he did executive shots for me
20 personally.

21 Q Did you have any involvement in the
22 photographs that were taken on or about 7 May 2020
23 and for March 2021 by Simone?

24 A The specific images attached here,
25 correct?

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2 Q Yes. Did you have any involvement
3 with the --

4 A No.

5 Q -- taking of those photographs.
6 Have you seen or -- let me withdrawn
7 that.

8 Is there any documentation from the
9 May 2020 or March 2021 time period between
10 VistaJet International Limited and Abstract Aerial
11 Art or Simone Migliaccio regarding ownership of
12 the photographs since March 2021?

13 A Has there been any discussion?

14 Q No. Are there any documents from
15 that time period, any documents from that time
16 period, meaning May 2020 or March 2021, evidencing
17 that VistaJet International is the copyright owner
18 of the photographs that Mr. Migliaccio took?

19 A I am not aware of the documents, if
20 there were.

21 Q Are you aware as to whether there is
22 an agreement between VistaJet International and
23 Mr. Simone Migliaccio or Abstract Aerial Art
24 pursuant to which Simone Migliaccio takes
25 photographs for VistaJet International?

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2 A There must be. We hired him. He
3 has been our photographer on multiple occasions.

4 Q Do you have knowledge of an
5 agreement, as opposed to assuming there must be an
6 agreement?

7 A I have not seen the agreement but
8 even if you hire a photographer to take photos of
9 your baby there is an agreement. I assume there
10 is one.

11 Q Do you know whether the agreement
12 provided an agreement -- withdraw that.

13 Do you have any understanding as to
14 whether before -- withdraw that.

15 In the next paragraph it says:

16 "Whereas, Licensee [and 'Licensee' is
17 VistaJet US] has had a license to copy, reproduce,
18 distribute, display and create derivative works of
19 the Works from Licensor since at least as early as
20 16 March 2021."

21 Are you aware of the existence --
22 withdraw that.

23 Is there any document from the time
24 period of March 2021 showing that VistaJet US had
25 a license to copy and reproduce the documents that

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2 are defined as "Works" in the first recital
3 clause?

4 A I have not seen it. I assume there
5 is. Any professional photographer and company
6 would have.

7 Q This is referring to an agreement
8 between or license between VistaJet International
9 and VistaJet US. Are you aware of any documents
10 showing that VistaJet International granted a
11 license since at least as early as 16 March 2021
12 to VistaJet US?

13 A Between VistaJet International and
14 VistaJet US, granted for VistaJet US to reproduce
15 this work from VistaJet Limited.

16 Q Are there any documents from
17 March 2021 --

18 A Between the two VistaJet entities?

19 Q Reflecting that license, yes?

20 A I am not aware. I don't know.

21 Q We will mark as the next exhibit,
22 which is Exhibit 60, a letter remit on VistaJet
23 letterhead to Simone Migliaccio, signed by
24 VistaJet International and Simone Migliaccio on or
25 about August 19, 2022. It bears Bates numbers

1 LEONA QI

2 VJ3110. Take a moment to read this document and
3 then tell me whether you have seen this document
4 before your deposition, or before just being shown
5 to you today.

6 (Exhibit 60 marked for identification)

7 A I don't think I have seen it before.

8 Q You didn't see it in preparation for
9 your deposition either?

10 A I think -- I am not sure actually.
11 I can't recall if it was in the package.

12 Q What did you do in connection with
13 preparing as a corporate witness to understand the
14 ownership rights that VistaJet US and VistaJet
15 International had in the photographs that are the
16 subject of the copyright claim in this action?

17 A In this specific one, I reviewed the
18 packages that my team -- the legal team sent to
19 me, include basic knowledge and terms of what
20 copyrights and IP is. Obviously I am not a
21 lawyer, but I reviewed I think -- I just cannot
22 recall if this specific document is in it. It
23 probably is.

24 Q Do you recall what documents you
25 reviewed regarding the ownership of the

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